

FRED UPTON, MICHIGAN  
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA  
RANKING MEMBER

ONE HUNDRED TWELFTH CONGRESS  
**Congress of the United States**  
**House of Representatives**  
COMMITTEE ON ENERGY AND COMMERCE  
2125 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-6115

Majority (202) 225-2927  
Minority (202) 225-3641

September 8, 2011

The Honorable Daniel M. Ashe  
Director of U.S. Fish and Wildlife Service  
1849 C Street N.W.  
Washington, D.C. 20240

The Honorable Ken Salazar  
Secretary  
Department of the Interior  
1849 C Street, N.W.  
Washington, D.C. 20240

The Honorable Eric Holder  
Attorney General  
Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530

Dear Sirs:

We write to you to obtain information about troubling reports regarding your agencies' investigation of the Gibson Guitar Corporation.

Reports indicate that several weeks ago armed agents from the U.S. Fish and Wildlife Service conducted raids of Gibson's corporate headquarters and factories and seized raw materials, guitars and computer files. At issue is whether the guitar manufacturer has illegally imported wood from India for use in the construction of its instruments, and whether that importation is in violation of the Lacey Act of 1900. The Lacey Act makes it unlawful to import certain items taken in violation of the laws of the source country.

The source country at issue, however, appears to have no problem with Gibson's actions. The deputy director general of foreign trade for India has stated that India would allow the exports. Henry Juskiewicz, CEO of Gibson, also stated in an interview that the company has

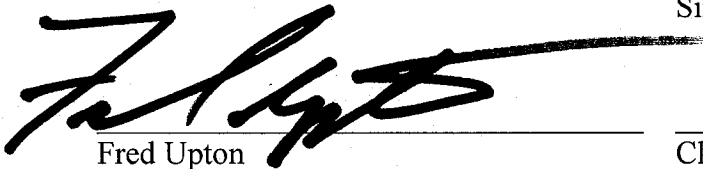
been importing this wood for 17 years without issue, as have several competitor companies which have yet to be raided by federal agents. Gibson constructs guitars and other instruments from the wood here in the United States, using skilled American workers.

We are deeply troubled by the suggestion that if Gibson had the skilled work done in India, using the same wood, instead of here in America, then the importation would have been legal and the Department of Justice would not have carried out this heavy-handed enforcement action. If this is true, it is hard to conclude anything other than the fact that your agencies and this Administration are actively pursuing regulatory and legal policies that discourage job growth in the United States and encourage shipping those very same jobs overseas, through the selective enforcement of laws enacted over one hundred years ago. This is unwise in the extreme.

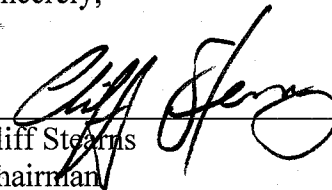
The policies of this Administration should actively support American companies that create jobs at home. The Gibson Guitar Company appears to have done just that. *The Financial Times*, in reporting on the raids, noted: "In recent years, Gibson has hired 600 new workers as the US economy struggled to add jobs." While we respect your right to defend the signature legislative accomplishment of President McKinley, we are not so sure this was the proper instance in which to exercise that right.

Please make the individuals from your staffs with knowledge of this investigation available to brief Committee staff on this investigation next week. Please contact Committee staff Sean Hayes at (202) 225-2927 to arrange the briefing.

Sincerely,



Fred Upton  
Chairman



Cliff Stearns  
Chairman  
Committee on Oversight and Investigations



Mary Bono Mack  
Chairman  
Committee on Commerce, Manufacturing,  
and Trade

Marsha Blackburn  
Vice Chairman  
Committee on Commerce, Manufacturing,  
and Trade

cc: The Honorable Henry A. Waxman, Ranking Member

The Honorable Diana DeGette, Ranking Member  
Committee on Oversight and Investigations